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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,636	12/06/2001	Jurina Wessels	450117-03592	1870
20999	7590	01/21/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SHIBUYA, MARK LANCE	
			ART UNIT	PAPER NUMBER
			1639	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/006,636

EXAMINER
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*Shibuya*

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Commissioner for Patents

Mark L. Shibuya  
Examiner  
Art Unit: 1639

***Response to Amendment***

The reply filed on 7/30/2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The amendment filed on 7/30/2004 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). It is noted that applicant has received an action on the merits for the originally presented invention, and this invention was elected by applicant for prosecution on the merits in the Response to Election/Restriction, filed 12/08/2005. See 37 CFR 1.111.

Applicant has cancelled original claims 1-17 (including elected and examined claim 12) and has newly submitted claims 18-22, which are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: New claim 18, and new claims 19-22, which depend from claim 18, is drawn to a 1-, 2- or 3-dimension assembly of nanostructured units, comprising a multifunctional linker molecule of the formula  $CON_1-FUNC_1-X-FUNC_2-CON_2$ , said multifunctional linker molecule comprising a 1,4-dimercaptoacetaminobenzene of the formula of claim 18; which is independent and/or distinct of the invention of examined claim 12, drawn to a multifunctional linker molecule comprising a 1,4-dimercaptoacetaminobenzene of the formula of claim 12.

The invention of claims 18-22 and the invention of claim 12 are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the

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subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the limitation of the 1-, 2- or 3-dimension assembly of nanostructured units may be novel and unobvious, even if the subcombination is known in the art. The subcombination has separate utility such as acting as a linker.

Because these inventions are distinct for the reasons given above and it is necessary to search for each one of the distinct subjects in places where no pertinent art to each of the other subject exists, restriction for examination purposes as indicated is proper. MPEP 808.02.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Shibuya whose telephone number is (571) 272-0806. The examiner can normally be reached on M-F, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark L. Shibuya  
Examiner  
Art Unit 1639

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